

103^D CONGRESS
2^D SESSION

S. RES. 229

Authorizing oversight hearings by the Committee on Banking, Housing, and
Urban Affairs.

IN THE SENATE OF THE UNITED STATES

JUNE 16 (legislative day, JUNE 7), 1994

Mr. MITCHELL submitted the following resolution; which was ordered to be
placed on the calendar

JUNE 21 (legislative day, JUNE 7), 1994

Considered and agreed to

RESOLUTION

Authorizing oversight hearings by the Committee on
Banking, Housing, and Urban Affairs.

1 *Resolved,*

2 **SECTION 1. SCOPE OF THE HEARINGS.**

3 The Committee on Banking, Housing, and Urban Af-
4 fairs (referred to as the “committee”) shall—

5 (1) conduct hearings into whether improper
6 conduct occurred regarding—

7 (A) communications between officials of
8 the White House and the Department of the
9 Treasury or the Resolution Trust Corporation

1 relating to the Whitewater Development Cor-
2 poration and the Madison Guaranty Savings
3 and Loan Association;

4 (B) the Park Service Police investigation
5 into the death of White House Deputy Counsel
6 Vincent Foster; and

7 (C) the way in which White House officials
8 handled documents in the office of White House
9 Deputy Counsel Vincent Foster at the time of
10 his death; and

11 (2)(A) make such findings of fact as are war-
12 ranted and appropriate;

13 (B) make such recommendations, including rec-
14 ommendations for new legislation and amendments
15 to existing laws and any administrative or other ac-
16 tions, as the committee may determine to be nec-
17 essary or desirable; and

18 (C) fulfill the Constitutional oversight and in-
19 forming function of the Congress with respect to the
20 matters described in this section.

21 The hearings authorized by this resolution shall begin on
22 a date determined by the Majority Leader, in consultation
23 with the Minority Leader, but no later than the earlier
24 of July 29, 1994, or within 30 days after the conclusion

1 of the first phase of the independent counsel's investiga-
2 tion.

3 **SEC. 2. MEMBERSHIP, ORGANIZATION, AND JURISDICTION**
4 **OF THE COMMITTEE FOR PURPOSES OF THE**
5 **HEARINGS.**

6 (a)(1) For the sole purpose of conducting the hear-
7 ings authorized by this resolution, the committee shall
8 consist of—

9 (A) the members of the Committee on Banking,
10 Housing, and Urban Affairs, who shall, in serving as
11 members of the committee, reflect the legislative and
12 oversight interests of other committees of the Senate
13 with a jurisdictional interest (if any) in the hearings
14 authorized in paragraph (1) of section 1 as provided
15 in subparagraph (B);

16 (B)(i) Senator Kerry and Senator Bond from
17 the Committee on Small Business;

18 (ii) Senator Riegle and Senator Roth from the
19 Committee on Finance;

20 (iii) Senator Shelby and Senator Domenici from
21 the Subcommittee on Public Lands, Parks, and For-
22 ests of the Committee on Energy and Natural Re-
23 sources;

24 (iv) Senator Moseley-Braun from the Commit-
25 tee on the Judiciary; and

1 (v) Senator Sasser and Senator Roth from the
2 Permanent Subcommittee on Investigations; and

3 (C) the ranking member of the Committee on
4 the Judiciary who shall serve for purposes of consid-
5 ering matters within the jurisdiction of the Commit-
6 tee on the Judiciary, but shall not serve as a voting
7 member of the committee.

8 (2) For the purpose of paragraph 4 of rule XXV of
9 the Standing Rules of the Senate, service of the ranking
10 member of the Committee on the Judiciary as a member
11 of the committee shall not be taken into account.

12 (b) The jurisdiction of the committee shall encompass
13 the jurisdiction of the committees and subcommittees list-
14 ed in subsection (a)(1)(B), to the extent, if any, pertinent
15 to the hearings authorized by this resolution.

16 (c) A majority of the members of the committee shall
17 constitute a quorum for reporting a matter or rec-
18 ommendation to the Senate, except that the committee
19 may fix a lesser number as a quorum for the purpose of
20 taking testimony before the committee or for conducting
21 the other business of the committee as provided in para-
22 graph 7 of rule XXVI of the Standing Rules of the Senate.

23 **SEC. 3. ADDITIONAL STAFF FOR THE COMMITTEE.**

24 (a) The committee, through the chairman, may re-
25 quest and use, with the prior consent of the chairman of

1 any committee or subcommittee listed in section
2 2(a)(1)(B), the services of members of the staff of such
3 committee or subcommittee.

4 (b) In addition to staff provided pursuant to sub-
5 section (a) and to assist the committee in its hearings,
6 the chairman may appoint and fix the compensation of
7 additional staff.

8 **SEC. 4. PUBLIC ACTIVITIES OF THE COMMITTEE.**

9 (a) Consistent with the rights of persons subject to
10 investigation and inquiry, the committee shall make every
11 effort to fulfill the right of the public and the Congress
12 to know the essential facts and implications of the activi-
13 ties of officials of the United States Government with re-
14 spect to the matters covered by the hearings as described
15 in section 1.

16 (b) In furtherance of the public's and Congress' right
17 to know, the committee—

18 (1) shall hold, as the chairman (in consultation
19 with the ranking member) considers appropriate and
20 in accordance with paragraph 5(b) of rule XXVI of
21 the Standing Rules of the Senate, open hearings
22 subject to consultation and coordination with the
23 independent counsel appointed pursuant to title 28,
24 parts 600 and 603, of the Code of Federal Regula-
25 tions (referred to as the “independent counsel”);

1 (2) may make interim reports to the Senate as
2 it considers appropriate; and

3 (3) shall, in order to accomplish the purposes
4 set forth in subsection (a), make a final comprehen-
5 sive public report to the Senate of the findings of
6 fact and any recommendations specified in para-
7 graph (2) of section 1.

8 **SEC. 5. POWERS OF THE COMMITTEE.**

9 (a) The committee shall do everything necessary and
10 appropriate under the laws and Constitution of the United
11 States to conduct the hearings specified in section 1.

12 (b) The committee is authorized to exercise all of the
13 powers and responsibilities of a committee under rule
14 XXVI of the Standing Rules of the Senate and section
15 705 of the Ethics in Government Act of 1978 (2 U.S.C.
16 288d), including the following:

17 (1) To issue subpoenas or orders for the attend-
18 ance of witnesses or for the production of documen-
19 tary or physical evidence before the committee. A
20 subpoena may be authorized by the committee or by
21 the chairman with the agreement of the ranking
22 member and may be issued by the chairman or any
23 other member designated by the chairman, and may
24 be served by any person designated by the chairman
25 or the authorized member anywhere within or with-

1 out the borders of the United States to the full ex-
2 tent permitted by law. The chairman of the commit-
3 tee, or any other member thereof, is authorized to
4 administer oaths to any witnesses appearing before
5 the committee.

6 (2) Except that the committee shall have no au-
7 thority to exercise the powers of a committee under
8 section 6005 of title 18, United States Code for im-
9 munizing witnesses.

10 (3) To procure the temporary or intermittent
11 services of individual consultants, or organizations
12 thereof.

13 (4) To use on a reimbursable basis, with the
14 prior consent of the Government department or
15 agency concerned, the services of personnel of such
16 department or agency.

17 (5) To report violations of any law to the ap-
18 propriate Federal, State, or local authorities.

19 (6) To expend, to the extent the committee de-
20 termines necessary and appropriate, any money
21 made available to such committee by the Senate to
22 conduct the hearings and to make the reports au-
23 thorized by this resolution.

24 (7) To require by subpoena or order the attend-
25 ance, as witnesses, before the committee or at depo-

1 sitions, any person who may have knowledge or in-
2 formation concerning matters specified in section
3 1(1).

4 (8) To take depositions under oath anywhere
5 within the United States, to issue orders by the
6 chairman or his designee which require witnesses to
7 answer written interrogatories under oath, and to
8 make application for issuance of letters rogatory.

9 (9) To issue commissions and to notice deposi-
10 tions for staff members to examine witnesses and to
11 receive evidence under oath administered by an indi-
12 vidual authorized by law to administer oaths. The
13 committee, acting through the chairman, may dele-
14 gate to designated staff members the power to au-
15 thorize and issue commissions and deposition no-
16 tices.

17 (c)(1) Subject to the provisions of paragraph (2), the
18 committee shall be governed by the rules of the Committee
19 on Banking, Housing, and Urban Affairs, except that the
20 committee may modify its rules for purposes of the hear-
21 ings conducted under this resolution. The committee shall
22 cause any such amendments to be published in the Con-
23 gressional Record.

24 (2) The committee's rules shall be consistent with the
25 Standing Rules of the Senate and this resolution.

1 **SEC. 6. RELATION TO OTHER INVESTIGATIONS.**

2 In order to—

3 (1) expedite the thorough conduct of the hear-
4 ings authorized by this resolution;

5 (2) promote efficiency among all the various in-
6 vestigations underway in all branches of the United
7 States Government; and

8 (3) engender a high degree of confidence on the
9 part of the public regarding the conduct of such
10 hearing,

11 the committee is encouraged—

12 (A) to obtain relevant information concerning
13 the status of the independent counsel's investigation
14 to assist in establishing a hearing schedule for the
15 committee; and

16 (B) to coordinate, to the extent practicable, its
17 activities with the investigation of the independent
18 counsel.

19 **SEC. 7. SALARIES AND EXPENSES.**

20 Senate Resolution 71 (103d Congress) is amended—

21 (1) in section 2(a) by striking “\$56,428,119”
22 and inserting “\$56,828,119”; and

23 (2) in section 6(c) by striking “\$3,220,767”
24 and inserting “\$3,620,767”.

1 **SEC. 8. REPORTS; TERMINATION.**

2 (a) The committee shall make the final public report
3 to the Senate required by section 4(b) not later than the
4 end of the 103d Congress.

5 (b) The final report of the committee may be accom-
6 panied by whatever confidential annexes are necessary to
7 protect confidential information.

8 (c) The authorities granted by this resolution shall
9 terminate 30 days after submission of the committee's
10 final report. All records, files, documents, and other mate-
11 rials in the possession, custody, or control of the commit-
12 tee shall remain under the control of the regularly con-
13 stituted Committee on Banking, Housing, and Urban Af-
14 fairs.

15 **SEC. 9. COMMITTEE JURISDICTION AND RULE XXV.**

16 The jurisdiction of the committee is granted pursuant
17 to this resolution notwithstanding the provisions of para-
18 graph 1 of rule XXV of the Standing Rules of the Senate
19 relating to the jurisdiction of the standing committees of
20 the Senate.

21 **SEC. 10. COMMITTEE FUNDING AND RULE XXVI.**

22 The supplemental authorization for the committee is
23 granted pursuant to this resolution notwithstanding the
24 provisions of paragraph 9 of rule XXVI of the Standing
25 Rules of the Senate.

1 **SEC. 11. ADDITIONAL HEARINGS.**

2 (a) In the fulfillment of the Senate's constitutional
3 oversight role, additional hearings on the matters identi-
4 fied in the resolution passed by the Senate by a vote of
5 98-0 on March 17, 1994, should be authorized as appro-
6 priate under, and in accordance with, the provisions of
7 that resolution.

8 (b) Any additional hearings should be structured and
9 sequenced in such a manner that in the judgment of the
10 two leaders they would not interfere with the ongoing in-
11 vestigation of Special Counsel Robert B. Fiske, Jr.

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